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SECTION THREE

How the British Employer Insures His Workmen

By John Mitchell.

IT used to be the case in England, as it is in most American states today, that an injured workman had for the most part no remedy at law or in equity against his employer for accident. No matter how faithfully he may have discharged his duty, no matter how free from contributory negligence, the employe killed or maimed in the performance of his work could obtain no redress and secure no remedy. As in America today, the withdrawal from the workingman of the protection of the law led to the greatest hardships and men were thrown upon the streets maimed for life, and women and children were left penniless and destitute, as the result of injuries, which if they had happened to any one but workingmen would have been immediately and amply compensated for.

This state of affairs, which unfortunately still exists to the present day in most of the American states, arose from the action of the courts. It had always been assumed by the English law that an employer was responsible for the acts of his employe in the ordinary performance of his duties, and this doctrine had been proved necessary to protect workingmen and third persons from the carelessness of an employer and his agents. In the case of the workingman himself, however, this protection was entirely removed. In the year 1837, in the famous case of Priestley-Fowler, it was stated by the court that an employe could not recover where the injury had been inflicted by the carelessness of a fellow employe. The workman was supposed to assume the known risk of his employment, and he was also supposed to assume the liability of accident resulting from the carelessness of any one of the men who were working with him. As a consequence the workingman ceased to have any protection whatsoever. If there were a wreck on a train as the result of the carelessness of a switchman or gatekeeper, and the conductor, engineer, brakeman and all the passengers were killed, the result would be, according to law, that all the passengers, whether rich or poor, might recover; while the engineer, conductor and brakeman could not recover, because they were supposed to assume the risk that the switchman, whom, perhaps, they had never seen, would leave the switch open.

For many years the British workmen, through their unions, and especially the Union of Railway Employes, agitated for a redress of this grievance, and in 1880 they secured the Employers' Liability Act, which was passed for seven years, and which was annually renewed after 1887. This act limited somewhat the scope of the doctrine of common employment and provided that where a workman was killed, his representative should have the same compensation and remedies against the employer as though he had not been a workman.

While this act remedied the scope of the doctrine of any employment, and, therefore, did some good, the advantages arising from it were, on the whole, very small. Under the act the employer was enabled to evade the law by a device called "contracting out." By contracting out was meant to offer an alternative plan or to persuade the employe in one way or another to waive his rights under the act. As the employe was frequently in the dilemma of being forced either to waive his rights under the act or to lose his job, the advantages accruing to him from the law were not very great. Moreover, it was soon found that the percentage of cases where the injury could be directly traceable to the negligence of the superiors of the employe without any contributory negligence on his own part was exceedingly small. It was soon felt that a remedy of wider scope was necessary, and this was eventually obtained in the Workmen's Compensation Act, which is now the law of England.

The inspiration of the new law came from the continent of Europe, and especially from Germany. In the '80s Germany inaugurated her system of insuring workmen against sickness, old age, and accident, and the example which she set was soon followed by France, Austria, Belgium and Holland, Italy, and most of the continental countries. The principle of the new legislation was new and entirely different from that which the English law had been following. The English law, as our American law today, had sought to discover who was responsible for each accident, to weigh carefully the liability of the employer and of his agents upon the one hand, and the contributory negligence of the injured workman on the other, and to make an exact balance between the two. This system worked injustice and hardship, because the smallest amount of contributory negligence, however slight, was sufficient to debar the injured man from securing relief. Moreover, in the great majority of cases it was absolutely and entirely impossible to determine who was responsible, and in more than half of the cases there was no direct responsibility or carelessness on the part of either the employer or the employe. The German law, however, took the stand that just as the soldier should receive a pension for death or maiming due to the nature of his work, so the injured workman or the heirs of a killed workman should receive a pension or remuneration for injuries which were just as inevitable.

The English law followed this precedent and adopted this philosophy. According to the most learned British jurists, the Workmen's Compensation Act of 1897 introduces "for the first time in the history of English jurisprudence a liability upon an individual to pay compensation for personal injuries which are not the result of any negligence or other unlawful act, either of himself or of his servants." The bill provides certain definite compensation for the death or wounding of workmen engaged in certain occupations, irrespective of whether the employer has or has not been guilty of negligence, provided, however, that the injury to the workman has not been the result of his own willful and serious misconduct.

The Workingmen's Compensation Act of 18.. oes not apply to all workmen in England, but it is limited to certain industries which include the most dangerous. It includes factories as well as laundries (but not workshops), mines, quarries and engineering works, and embraced at the time of its adoption about one-half of all British workers. In 1900 it was extended to include agricultural workers, so that its scope is still larger than formerly. It insures against all accidents, but not against injuries to the health arising from the nature of the work. The injury must arise out of and in the course of the employment and must not be the result of some action taken outside of working hours, or outside of the regular employment. The cause of accident is immaterial, and the ordinary negligence of the workman does not prevent him from securing compensation, so long as it does not amount to willful and serious misconduct.

The employer is not liable for any injury which does not disable the workman for a period of at least two weeks from earning full wages at the work at which he was employed. The object of this provision is to prevent demands being made for slight injuries, and frequently the workman can secure compensation from his union for injuries during the first two weeks.

The Workmen's Compensation Act does not take away from the workman the right to sue under the common law or under the act of 1880, but merely gives him a new and alternative method of proceeding. He may attempt to secure compensation in any one of the three methods, but not by more than one of them. If action is to be taken under the Workmen's Compensation Act, however, the employer must be notified within a short time of the accident, and at some time previous to the workman leaving his employ, and proceedings must be begun within six months. The matter may be settled between the employer and the workman by agreement, but upon failure to reach a satisfactory settlement, provision is made for an arbitration which removes the matter from the law courts and makes the proceedings more expeditious and more economical than they otherwise would be. It would be wiser, however, if a permanent board of arbitration had been provided for the control of all cases, and if the practice of engaging lawyers to try the cases had been discouraged from the first. The employer is liable—even where the workman has been hired by a sub-contractor under him—the injured workman thus being sure of being paid, although provision is also made in the law by which the employer may himself recover from the sub-contractor. This prevents a workingman failing to secure compensation owing to there being a straw sub-contractor between him and his real employer.

The rate of remuneration for persons who are killed depends upon whether or not they have other persons dependent upon them. If the workman leaves any persons who are wholly dependent upon his earnings at the time of his death, they must be paid a sum equal to his earnings during the last three years of his employment, or if he has been employed less than that time, a sum 156 times as great as his average weekly earnings, provided, however, that this sum shall not in any case amount to less than $750 or to more than $1,500. If the workman does not leave any persons entirely dependent on him, but does leave persons partially dependent upon him, they will receive such sum as may be fixed by agreement or by arbitration, but in no case greater than the sum he would have received if he had left persons entirely dependent upon him. If he leaves no dependents at all, he receives the reasonable expenses of his medical attendance and burial, not exceeding $50. Where the workman is totally or partially incapacitated, he is to receive a weekly payment, after the second week, not to exceed 50 per cent of his average weekly earnings and not to exceed $5 per week. In fixing these sums, the employer is allowed to deduct any sums (not wages) which he may have advanced as the result of the accidents for the relief of the injured workman. Any workman receiving weekly payments for a partial or permanent injury may be obliged to submit from time to time to a qualified physician, who will certify as to whether or not the injured workman is still incapacitated.

One of the great drawbacks of the act of 1880 was that the workman was allowed to "contract out," and, as a consequence, the law was made of no effect. In spite of the opposition of the representatives of the working classes, a provision was inserted in the act of 1897 likewise permitting "contracting out," although in this case the provision safe-guarded to a great extent the welfare of the workingman. It was provided that where the employers and workmen agreed upon a scheme, which in the opinion of the registrar of Friendly Societies was, on the whole not less favorable to the general body of workmen and their dependents than the provision of this act, then he, the registrar, might grant a certificate permitting the parties to "contract out," or, in other words, to adopt an alternative scheme, but no scheme should be so certified which contained an obligation upon a workman to join the scheme as a condition of his securing a job.

Under this act a large number of companies, including some of the largest, adopted alternative schemes and contracted out. There were, in 1903, over 122,000 men who had taken advantage of this provision. In these various contracting out schemes the workmen had contributed $210,000 and the employers $320,000 to provide for forms of insurance, and during the year 1903 $470,000 had been paid for death, incapacity, accident and other benefits, as well as for management and expenses. In the case of these 122,000 men there were, in the year 1903, forty-two deaths where no dependents were left, and 113 deaths where there were dependents, while there were 19,113 accidents, resulting in partial or complete incapacitation. Most persons contracting out were either miners or railway employes; about one-third of all the workmen contracting out being employes of two railways. There is still much opposition to the system of "contracting out," and in some cases it is claimed that where a majority or even a large minority of the employes are willing to accept the plan, the remainder are practically coerced.

Upon the whole, despite certain manifest difficulties, the Workmen's Compensation Act has proved a success and has been of great, if not inestimable, benefit to the British workman.

JOHN MITCHELL,
In collaboration with Walter E. Weyl.

The Genial Idiot Discusses Substitutes for Beef

By John Kendrick Bangs.

"GOOD morning, Doctor," said the Idiot cheerfully as he entered the breakfast room, and picked up the morning paper. "Now that the effects of the beef strike are coming home to roost I suppose we'll have to live on hash for a little while, unless our beloved landlady with her accustomed foresight has provided her larder with a yoke or two of steers on the hoof from whom we may cut a nice fresh steak every morning."

"It won't do you any harm to give up meat for a little while," said the Doctor. "This beef strike that we have been going through has been a blessing in disguise. People eat too much meat nowadays and it is about time there was some kind of a let up. I've been thinking over your case for some time past and it has seemed to me that you wouldn't be quite so chesty if you beefed less and thought more."

"You recommend thought for a diet then?" asked the Idiot.

"In some cases, yes," observed the Doctor. "For a man who suffers from chronic verbosity and fatty degeneration of the vocabulary a thought diet would do wonders."

"Good idea, that," said the Idiot. "I wonder you don't patent the idea and start a series of Quick Lunch Rooms throughout the city where thought in every style may be had at popular prices. 'Try Dr. Capsule's Surpassing Thought Cakes, Fresh Off the Griddle'—that would make a most alluring sign to put in the window to attract passers-by. Another would read 'Is Your Liver Torpid? Come in and try Our Mental Table D'Hote: Six Courses for Fifty Cents.' Then you could stick up a bulletin, 'Special for Today: Fricassed Reflections en Casserole, and Ideas a la Maitre D'Hotel or on the Half-shell.' It really is a splendid plan, Doctor. You ought to have it patented."

"He might experience some difficulty in getting his supplies," suggested the Lawyer. "Fresh thoughts nowadays are as rare as hen's teeth."

"Oh, I don't know," said the Idiot. "The freshness of a thought depends entirely upon the consumer. The chap who has fared all his life on the thought product of the Author of a Medical Almanac might regard the supply Dr. Capsule would extract from the writings of Plato as the freshest, daintiest morsels he had ever eaten. I should say a very nice dinner of really fresh thoughts could be made up taking your materials from a range of thought providers beginning with the lighter thinkers and running on through the deep, deeper and deepest until the consumer was gorged to the full with a most pleasing variety. As a sample, what a bully piece de resistance would be a bit of Roast Schopenhauer stuffed with chestnuts taken from Punch, preceded by some Reflections by Dick Davis on the half-shell, in place of oysters. Paragraphs meuniere from Izaak Walton for the fish; an Essay by Andrew Lang en coquille for your entree and followed by a Poetry Salad made up of a mixture of greens from Herrick, Edwin Markham, John Milton and Ella Wheeler Wilcox."

"You've left out the soup," suggested Mr. Brief.

"Well if you want thin soup you might boil the proposed inaugural address of the Prohibition candidate for president, or if you are after a thick puree, David B. Hill's reflections on Judge Parker's telegram to the St. Louis convention would serve the purpose pretty well."

"I must withdraw from any connection with such an enterprise," laughed the Doctor. "I am very much afraid that it would serve to promote mental indigestion. Roast Schopenhauer stuffed with chestnuts from Punch alone would be a pretty tough proposition when it came to assimilating them, not to mention the effect upon an ordinary constitution of that Poetic salade."

"There doesn't seem to be any pleasing you," said the Idiot. "You advance a general proposition for the benefit of humanity, and I take it up enthusiastically, develop the thing in detail for you, and you throw the whole thing over. I'd rather be chesty from eating too much meat than ungrateful from a preponderance of thought. I didn't really approve of your idea anyhow. Nobody ever grew fat on thinking, and all the meditations in creation wouldn't add an ounce to your weight or increase your biceps a sixteenth of an inch. If this beef famine were to come to the worst you wouldn't catch me going to the Carnegie library for my meals. Browsing in the field of thought may produce something for you to chew on, but it is not as sustaining as a plain bit of chewing gum. I'd make a bee line for the navy yard and lay in a stock of hard tack. That's the best substitute for meat you can find in the market, and if you cook it right you can make it do for lamb, mutton, venison, wild turkey or porterhouse. It's all a matter of preparation and sauces. Fact is if you'll give me a piece of hard tack, a handful of sawdust and a potato masher to pulverise it I can change it into a first class patent breakfast food in four minutes. If you put sugar and cream on it you'd say it was the finest substitute for oatmeal you'd ever had, and within two weeks if you ate it regularly you'd feel as if you had a hard wood finish inside. The possibilities of hard tack are simply limitless. It can be cooked in any style, and is as tough or as tender as you have a mind to make it."

"You'd better make a note of that, Mrs. Pedagog," said the Lawyer, addressing the landlady. "When the famine really strikes us you can give the Idiot hard tack and distribute his share of the beef to the rest of us."

"The beef famine has struck us," sighed the landlady. "For several days past I have been on the point of stating the facts to you gentlemen and asking you what you thought I ought to do under the circumstances. I cannot afford much longer to give you beef at current prices."

"Don't be afraid, Madam," said the Idiot gallantly. "Ordinarily exacting as we are I venture to say that to a man we will stand by you in this emergency nevertheless. Speaking for myself, you need not provide an ounce of beef from this time on. I shall be quite satisfied with simpler things not affected by the strikes, things like Terrapin a la Maryland; Lobster a la Newburg; Imported French Partridge; Scotch Grouse; Brook Trout en gelee or au natural avec butter; Philadelphia Squab; wild Rhode Island Turkey; Canary Birds Tongues and so on. You'll never find me going back on a lady in distress, Mrs. Pedagog, over a mere matter of roast beef, especially when there's plenty of game in the land. I can eat any kind of game except Ping Pong and be perfectly content."

"You'll ruin our good landlady with kindness," said Mr. Brief. "She'd have a fine time feeding us on imported partridges."

"Excuse me, Mr. Brief," retorted the Idiot. "I did not say us. I said I. I will be satisfied with those things; for the others I have other menus to suggest. The Doctor here has intimated that he can get along on meditation. The think diet is the thing for him and Mrs. Pedagog can feed him accordingly. A poached thought on toast for breakfast; a thought pick-me-up for luncheon, and roast meditation with caper sauce for dinner should satisfy his needs. Our dear old friend the Bibliomaniac here is less easily provided for. He once told me he could live for an indefinite period on books, but when I asked him once to have one on me he picked out a $48 edition of Lamb's Essays. However, if you can induce him to believe that he has no right to expect rich foods at a boarding house table you may be able to handle him. They are selling a complete edition of Balzac down town for a dollar, and on payment of 50 cents a month for six months to one of the big department stores you can get a sixty-two volume edition of 'Fiction Tablets by Master Hands' delivered immediately which should tide you over the famine period feeding him three tablets a day, or one for each meal. The best part of this tablet proposition is that if you find he doesn't like the books you can return them, all expenses paid, and get your 50 cents back. You can't do that with your steaks, now, can you?"

The landlady laughed and guessed she couldn't.

"As for Mr. Whitechoker, I think its up to him to dine with members of his congregation more frequently," continued the Idiot.

"If he has only sixty-five families in his congregation there's sixty-five dinners already spread if he is as popular with them as he is with me, and his breakfasts and lunches might be supplied by a series of donation parties."

"I think it can be arranged if the worst happens," said Mr. Whitechoker, genially. "There is always a lot of pies left over from our Sunday school picnics, too, that might come in handy."

"Precisely," smiled the Idiot. "And like most people actuated by the missionary spirit you are used to those internal struggles which sacrifice and pie alike precipitate."

"How about me?" asked Mr. Brief.

"Well, you, being a successful lawyer, should have enough scraps in your office to keep you going. Our Genial Friend Who Occasionally Imbibes must have a long series of Free Lunches coming to him at this stage of his career and now is the time for him to collect. Altogether I don't see that we need fear this beef famine at all."

"You seem to have left me out of your calculations altogether," said the Poet. "Am I to starve?"

"Well—I don't know," replied the Idiot. "Personally I hope not, but professionally—well a good many mighty fine poets have, old man. You might do better work if you stopped eating for a month. Some people maintain that it is eating that makes the difference between a poet and a poetaster."

"And what if I should die?" asked the Poet.

"Sir," replied the Idiot sententiously, "death is the first step to immortality."

Home Run Haggerty--Attractive Bat and Elusive Ball

By George William Daley.

"EARLY one spring when Jim Harrison was laid up with a cold shoulder and couldn't play third base for the Alfalfas, Josh Hapgood was addressed by a stranger while returning from a game one day in which he had lost because Reggie, whom we had tried in Jim's place, had thrown the ball over Pete Brown's head on each of his four chances. The feller was about Pinch Hobbs' build, with an eye that was piercing sometimes, but at other times dull, like he was lookin' into his own brains to see if they was workin' an' turnin' out new tricks. He struck Josh for a job an' Josh asked him his name.

"'Gonfalon Kelly,' says the little feller with the funny eyes.

"'Huh!' says Josh, 'that's a baseball name—the last of it. Wot does the first mean?'

"'Gonfalon?' says he, slappin' his chest. 'First an' foremost, tried an' true, a leader o' grass-eaters. Gonfalon, the bunt killer an' hit gobbler. Pass along the hot drives—he eats 'em alive. Always playin' the inside game, an' he never gives up. That's me. That's what Gonfalon means.'

"'Pretty good line o' talk,' says Josh, 'but kin you play ball? Kin you guard the third base?'

"'Like the great an' only Collins,' says the newcomer. 'In fact, I got a little on him at that. Him an' me ate beans off the same plate all the while I was in Boston. Course I can play third. Besides, if I don't make good you don't need to keep me. I'm a play or no pay guy. My style is goods guaranteed to satisfy or your money back. Just gimme a trial.'

"So Josh said he'd try him, and Gonfalon was turned loose among us animiles to wait till feedin' time. And we soon found he was a queer fish.

"'The greatest triumphs o' baseball is those o' brains, not brawn,' says he. 'Science wins in the great national game, an' brute force has to set down in second place. The big guy who only knows how to kill the ball has to turn over the laurels to the little feller that chops out the pinch hit. Gonfalon Kelly believes in the tricks o' the game. An' he knows 'em all. Inside play is a winner an' strategy beats dumb luck.'

"Pinch Hobbs echoed this here sentiment an' the two got quite chummy. Pinch was scientifically inclined, too, though he never got it as bad as Gonfalon.

"We found the next day that Gonfalon Kelly was no great shakes at third base—just a ordinary guy that could pick 'em up when they didn't come too fast, an' had a pretty good throw. At the bat he'd play for bunts an' bases on balls an' gettin' hit. He was no free smasher, but he was tricky. We was playin' the Russetvilles that day an' in the ninth innin', with two runs behind, two out an' the bases filled an' two strikes called on Reggie, who was battin', Gonfalon Kelly from the coachin' line suddenly runs up to third base an' yells to Bill Hicks, the Russetville pitcher:

"'Hey, stop the game. That ball's got a hole in it.'

"Bill looked at the ball an' says:

"'They ain't no hole in it.' An' there wasn't. But Gonfalon he yells:

"'Yes, there is. I can see it. Throw it here.' An' then he give Bill Hicks a hypnotic look or somethin', for Bill threw the ball to him an' Gonfalon sidestepped an' let it roll, an' kept motionin' for our fellers on the bags to run in. An' they did, all o' them, before the Russetvilles got the ball back. They squealed loud, but it went, an' we got the game.

"'Just as good as a homer,' says Gonfalon. 'That little old trick was just as good as a long double or triple. It won the game. I sized up that pitcher for a trustin' Rube the minute I set eyes on him, an' he was.'

"That boomed Gonfalon Kelly's stock a hull lot, an' the Alfalfa Citizen referred to him as 'heady.'

"I'll pass over most o' Gonfalon's tricks in tellin' this tale—how he turned the sun, with the aid o' a watch crystal, on to the back o' the Sorrelton ketcher, with a man on third, an' made him give a scream an' jump in the air just as the pitcher was pitchin' an' yell 'Gosh-all-timber, I'm stabbed!' an' have a passed ball that let in the run he was lookin' for; how Plugger Harkins, the champion base stealer o' the league, tried to steal third an' slid an' stuck fast on the ground four feet off'n the bag because Gonfalon had sprinkled rosin all over the ground around third, an' Plugger doubled up in a bunch when he struck it an' didn't slide at all an' Kelly got the ball an' put him out; how he could palm a ball so's a magician would think he didn't have it an' he'd ketch fellers off third; how he charged a ball with electricity, churck full o' it, an' the Wiregrass fellers couldn't handle it an' says 'Wotinell is the matter with the ball today anyhow?' an' we all had rubber gloves an' give 'em the laugh an' says they were goin' back fast. We'll pass over all that, which made Gonfalon rise high on the pinnacles o' fame, an' come down to the greatest event that the Corndroppers' league ever saw, an' one which would have marked a new stage in baseball history only for me. An' this is how it was:

"It was the mornin' o' Decoration day, an' we wanted two games from the Hayvilles to get into first place. Two defeats for them an' two wins for us would do it. Josh had us all keyed up to the importance o' winnin' out. Pinch an' me was just gettin' dressed when he heard a knock on the door an' Gonfalon Kelly walked in. He had on a pair o' blue overalls an' an old jumper an' looked tired.

"'Hello, Kell!' says Pinch, 'what's up?'

"'Pinch,' says he, his inside lookin' eyes flashin' out bright an' brilliant an' red comin' into his cheek, 'the greatest triumph o' the age is mine—the greatest triumph, I may say, since Columbus discovered the lair o' the Montyzumas an' the historic events which followed, an' I can't dilate on it. I haven't time. Why? Because my soul is wrapped up in the great discovery which has tore at my vitals tryin' to get out ever since I first thought it up. But no, I says, it ain't perfect. Wait till it's perfect, Gonfalon, says I, an' then tell the famous Haggerty an' the glorious Hobbs. This way, gentlemen.'

"I nudged Pinch as we followed him down the hall.

"'Buggy,' says I, 'watch him.' He led us into his room an' it was all fixed up like a machine shop. On a bench lay a baseball bat made o' some heavy black wood that shone. Walkin' up to the bench, Gonfalon took out a baseball an' held it up.

"'Here,' says he, 'is the secret the alchemists of old strove for an' couldn't find. This is the secret that baffled the wise guys o' Greece when they played the Rome nine that eventful home-an'-home series. All through the dark, dim ages this here has been sought, but it remained for Gonfalon Kelly, an obscure third baseman on an obscure nine in a back country league, to bring it out. Oh, but I could shout I'm the very hilltops.'

"'Well, spit it out,' says I. 'What is it?'

"'Ah, yes,' says he; 'you talk rough now, but when you know this grand achievement you won't. This,' says he, holdin' the ball out an' gazin' at it, 'is the famous Kelly Elusive Ball.'

"'The wot?' says Pinch.

"'The Kelly Elusive Ball,' repeated Gonfalon, very emphatic.

"'What does it do—dring milk?' says I.

"He squelched me with one o' them piercing looks. Then he says:

"'This here great invention was suggested by the failure o' pitchers to curve the ball so it couldn't be hit. Now, everything in this here world has something it specially likes an' specially dislikes. I could give you the real names, but you wouldn't understand, an' it ain't important. So I set out findin' the stuff that didn't like wood the worst way, an' I found it an' made a ball o' it, an' it hates wood so much that when you biff at it with a wood bat it jumps right out of its course to avoid it. O' course, that's got curve pitchin' beat. No matter how fast you throw this here ball, when it sees a wood bat swingin' at it it jumps right around an' goes on its way rejoicin' into the ketcher's mitt.'

"'O' course, bein' ball players,' says Gonfalon, puttin' down the ball an' takin' up the funny black lookin' bat, 'you know it wouldn't do the Alfalfas any good to ring that elusive ball into the game when we got the same kind o' dum bats the other fellers have got. But when you combine the elusive ball an' the Kelly Attractive Bat—then you have a winner. Then you git the cream o' science.'

"Pinch an' me looked mystified. 'This ball eludes ordinary bats,' says Gonfalon, 'but it loves this one. This one's made out o' wood that you could scrape this whole country with a currycomb an' never find a piece like it. It's got a name, but I dassent tell it; I dassent tell what's in the ball either, 'cept this bat an' this ball—they love one another. Look at this.'

"He tossed the ball up in the air an' held out the bat. The ball was brought two feet out o' its course an' stuck to the club as it dropped. Me an' Pinch gazed with surprise.

"'With us battin' with this bat,' says Gonfalon, an' the other fellers usin' them hickory things which this here ball hates,' says he, 'I think I can see two games coming our way today an' the championship an' crimson glory an' undyin' fame for Gonfalon. I feel like the great an' glorious Napoleon did when he looked on the burnin' battlements o' Moscow f'm the top o' the Alps an' says 'The world is mine.' I feel just like him, for now the hull baseball world is mine—lock, stock an' bar'l.'

"We let him run on an' then took the ball an' bat out into the yard an' tried 'em an' they worked. Sayin' nothin' to nobody, we determined to use 'em in the game that mornin'.

"Lamp Hymes made a strike-out record in that game—struck out twenty-seven Hayvilles an' never pitched a curve. He didn't have to. He'd swing the elusive ball up to the plate an' the Hayville sluggers'd pound away with their hickory an' ash an' willow club an' the ball 'ud elude 'em all an' it'd be a strike right into my mitt. And then us Alfalfas'd come up with the attractive bat an' 'ud land on every ball pitched, an' most of 'em went safe, an' the final score was 31 to 0. An' we et our pork an' cabbage for dinner with glad hearts an' was ready to repeat the dose in the afternoon. We voted that Gonfalon Kelly was the best ever an' his ball and bat was winners.

"The afternoon game was in the sixth innin' an' we had scored six runs an' the Hayvilles none, when they came up for their bat; an' to our whoopin' surprise, Tom Bright, their best batter, had our black bat!

"Yes, they had sneaked the old attractor out when we wasn't lookin' an', o' course, we couldn't raise a holler without givin' the snap dead away. Bright he laid up against the first ball pitched for a three-bagger, an' the next man grabbed the attractor, too, an' hammered out a double, sendin' in a run; an' just as he run to first he pitched the bat to Will Hicks, their shortstop, an' he batted next an' sent in another run with a long single.

"Well, it was about time to stop that, so I grabbed the attractor when Wicks slung it down an' heaved it over to our bench, where the fellers hid it in the bat bag. Then their next three men struck out with the common bat, though they were ordinarily better hitters than the three that had just killed the ball.

"In our half our three drives went straight at fielders, so we didn't increase our lead any. As Pete Brown, our last man up, tossed the black bat over to our bench, where Lamp Hymes an' Josh an' Jim Harrison was sittin', Bright rushed up on his way from third an' cabbaged it before any of the fellers could jump up, an' it was in the hands of his batter before we could say a word.

"There was a scrap right there; but we were ordered back to our places because the umpire wanted the game to go on an' couldn't see the sense o' scrappin' over an' old black bat. If he'd only know'd! They got six runs that innin', putting 'em two ahead. We got the bat back, an' got four in our half, makin' it 10 to 8. They made another scrap in the first half of the eighth an' got the bat, because our fellers were all in the field an' were ordered to play when they came in to fight. They got five runs, makin' it 13 to 10 in their favor.

"A double play killed us in our half of the eighth, an' they began the ninth without the black attractor, for we pushed it under the granstand. Three of 'em struck out, an' we come up. Reggie was thrown out, short to first. Pinch, Sam Merrit an' Pete Brown made hits an' Hennessy hit a short fly. I was up—it was the old situation I loved so well—three on bases, two out, an' four runs needed to win.

"With a bat attractin' the ball an' a pitcher I wasn't afraid of anyhow. I didn't waste any good time lookin' for a good ball. I swung out on an outcurve that come down, and maybe it was because I knew about the love between the ball an' the bat, but I swung desperate hard. There was a terrific crack, the ball went out over the center fielder's head, an' I dropped the bat an' went round the bases, the crowd yellin' like mad, an' won the game, 14 to 13.

"As I dashed in, amid the cheers, I see a bunch o' players standin' near the plate, bendin' over a prostrate form. It was Gonfalon Kelly, and clasped in his nerveless hands—for he had fainted—was the Kelly Attractive Bat—busted!

"The bat was busted, the Elusive Ball was lost. Gonfalon went wrong, an' I never heard the last of it for bein' so careless. It seems Gonfalon had intended sellin' his ball an' bat to the Phillies an' I made him lose big money. I was always sorry for it.